REMARKS

The following remarks are in response to the non-final Office Action dated May 26, 2009. Entry and reconsideration are respectfully requested.

A. Status of Claims

Claims 1-9 are pending in the current application.

In this response, Claims 1-8 have been amended, Claim 10 has been added as a new claim, and Claims 1-10 are pending. No new matter has been introduced.

B. Response to Drawing Objections

The Office Action states the deceleration elements of Claim 6 must be shown or the features must be cancelled from the claim.

Applicants have amended Claim 6 by cancelling the feature "deceleration element" without prejudice or disclaimer.

C. Response to Rejections under 35 U.S.C. § 112

Claims 5-9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Figure 3 shows a schematic diagram of the proposed fire-suppressing device, while Figures 4 and 5 show the suspension system and the releasing mechanism, respectively. Figure 1 demonstrates delivering the proposed fire-suppressing device using an aircraft as the means for delivery, while Figure 2 demonstrates the proposed fire-suppressing device when the device is delivered using a ground carrier. Thus, one of ordinary skill in the art would understand that Figures 1 and 2 disclose different methods of localization

and/or suppression of fires using a fire-suppressing device, while Figures 3-5 disclose the fire-suppressing device in greater detail.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner points to the feature "container (6) containing the fire-suppressing device (2)" in line 5 of Claim 1. Applicants have amended Claim 1 in view of this rejection.

Claims 5-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner points to the device/method in Claim 5, the flexible link in Claim 5, and the deceleration elements in Claim 6.

Applicants have amended Claim 5 to recite a fire-suppressing device. Applicants have also amended Claim 6 by cancelling the feature "deceleration element" without prejudice or disclaimer.

Regarding the flexible link in Claim 5, Applicants traverse this rejection. The specification states that the faceplate (12) of the suspension system is connected through a flexible link (14) to the stabilizer (10). (page 12, lines 10-11). When the suspension system separates from the container (6), the suspension system "continues movement with flexible link 14 ... together with the fire-suppressing device." (page 12, lines 29-31). Hence, when the claimed fire-suppressing device is dropped from an aircraft, the suspension system remains linked to the fire-suppressing device following separation between the suspension system and the container. By doing so, the suspension system vibrates chaotically and provides efficient aerodynamic braking for the device.

D. Response to Rejections under 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 3,382,800 to Biggs, Jr. ("Biggs") in view of US 4,651,648 to Alon ("Alon "). Claims 5-9, which were pending at the time of the Office Action, were not examined on their merits. Applicants traverse these rejections and assert that Biggs and Alon, alone or combined, do not teach each and every feature of the pending claims.

Claim 1 recites a method of localization and/or suppression of a fire using an air shock wave and high-velocity flow of an aerodispersible mixture of a fire-extinguishing agent. The method includes providing a fire-suppressing device having a dispersing charge and a container with a fire-extinguishing agent, characterized in that the container is equipped with a suspension system; aerially delivering the fire-suppressing device to a fire zone; and

> "separating the suspension system (3) from the container (6) prior to exploding the dispersing charge (8), the suspension system (3) remaining attached to the fire-suppressing device (2) prior to exploding the dispersing charge (8) using a flexible link (14)."

Biggs discloses a bomb with a strongback assembly, including straps 10a and logs 10b, for mating the bomb with a delivery aircraft. These components, however, do not separate from the bomb prior to explosion, as required by Claim 1.

Alon discloses a bomb that includes tail section 1 and main body sections 3 and 4. During descent, these sections separate, with each section having a parachute. (See Figure 5). None of the sections 1, 3, or 4 can be viewed as the claimed suspension system, and the parachute in Alon cannot be the claimed suspension system. Thus, Alon does not teach a suspension system, separating the suspension system from the container prior to exploding

the dispersing charge, or the suspension system remaining attached to the fire-suppressing device prior to exploding the dispersing charge using a flexible link, as required by Claim 1. For at least these reasons, the rejection of Claims 1-4 must be withdrawn because Biggs and Alon, alone or combined, do not teach each and every feature of the pending claims.

Claims 5-10, and especially independent Claims 5 and 10, are also distinguishable over the cited references. With regard to independent Claim 5, neither Biggs nor Alon, alone or combined, discloses all of the claimed features, including a suspension system with a releasing mechanism, forced-separating elements, and structural elements spaced from each other and rigidly interconnected by a faceplate with eye-rings, the suspension system being connected to a stabilizer through a flexible link. With regard to independent Claim 10, neither Biggs nor Alon, alone or combined, discloses all of the claimed features, including installing the device on a path of fire propagation in front of an expected fire line (both Biggs and Alon disclose aerial bombs, which are different) and separating the suspension system from the container prior to exploding the dispersing charge.

For at least the reasons stated above, the pending claims are distinguishable over the cited references.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of the rejection of claims, and allowance of this application.

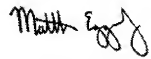
DEPOSIT ACCOUNT AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 1004360-001US (5106-0004).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004360-001US (5106-0004).

Respectfully submitted,
LOCKE LORD BISSELL & LIDDELL LLP

Dated: September 25, 2009 By:



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